From:	Christopher Gagne
To:	"Nguyen, Tammy T. (AU 2144)";
Subject:	RE: Proposed claim amendment, Serial No. 09/576,038; P8193
Date:	Tuesday, June 02, 2009 1:54:00 PM

Thanks much! I look forward to your call. I'm sure that we can work this out to get this case allowed.

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

From: Nguyen, Tammy T. (AU 2144) [mailto:Tammy.Nguyen58@USPTO.GOV]
Sent: Tuesday, June 02, 2009 1:53 PM
To: Christopher Gagne
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

Hi Gagne,

I'm having an interview now, i will call you back as soon as the interview done.
Regards,
Tammy nguyen

From: Christopher Gagne [mailto:gagnelaw@att.net]
Sent: Tuesday, June 02, 2009 2:49 PM
To: Nguyen, Tammy T. (AU 2144)
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

Thanks for the explanation. However, I am still at a loss to understand why

you think that claim 32, as amended, does not satisfy this test. Could you please call me to discuss?

Thanks.

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

From: Nguyen, Tammy T. (AU 2144) [mailto:Tammy.Nguyen58@USPTO.GOV]
Sent: Tuesday, June 02, 2009 1:43 PM
To: Christopher Gagne
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

This is 101 method claim

Claim 32 fails the machine-or-transformation test which is a two-branched inquiry. It may be shown that a process claim satisfies 35 USC § 101 by showing that a claim is tied to a particular machine or by showing that a claim transforms an article into a different state or thing. See *Gottschalk v. Benson, 409 U.S. 63, 67 (1972)*. As to the first prong (machine), the Examiner cannot find any showing that these claims are attached to a specific machine. As to the second prong (transformation), the process

claims do not transform a physical article into a different state or thing. The process claims are merely manipulating abstract data without regard to any physical article or object.

Dear Examiner Nguyen:

Further to my last message, I just noticed a typo in the proposed claim language. It should read as below (with "separate" being "separated"):

32.   (Currently amended) A method comprising:

if an amount of data located in a first memory buffer in a local system associated with a remote direct memory access (RDMA) request does not exceed a maximum transfer size for a single memory to memory transfer operation over a data network to a remote memory buffer in a remote system:

associating the data with a first transfer operation over the data network to the remote memory buffer in the remote system; and

if the amount of data associated with the first transfer operation has not reached the maximum transfer size, associating a portion of the data otherwise to be associated with a subsequent transfer operation for the RDMA request with the first transfer operation instead of with the subsequent transfer operation, the portion of the data being located in one or more portions of one or more other memory buffers in the local system, the subsequent transfer operation being over the data network to the remote memory buffer in the remote system, the local system and the remote system being physically separated from each other; and

if the amount of data located in the first memory buffer exceeds the maximum transfer size:

associating a portion of the data with the first transfer operation; and

associating one or more subsequent portions of the data with one or more subsequent transfer operations.

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

From: Christopher Gagne [mailto:gagnelaw@att.net]
Sent: Tuesday, June 02, 2009 1:33 PM
To: 'tammy.nguyen58@uspto.gov'
Subject: Proposed claim amendment, Serial No. 09/576,038; P8193
Importance: High

Dear Examiner Nguyen:

As you requested, below please find proposed claim language for independent claim 32. Please let me know whether this is acceptable. Support for the language changes may be found in claim 37 (which would be cancelled), and page 6, lines 1-6 of the Specification. Assuming that it is acceptable, similar changes may be made to the other independent claims.

32. (Currently amended) A method comprising:

if an amount of data located in a first memory buffer in a local system associated with a remote direct memory access (RDMA) request does not exceed a maximum transfer size for a single memory to memory transfer operation over a data network to a remote memory buffer in a remote system:

associating the data with a first transfer operation over the data network to the remote memory buffer in the remote system; and

if the amount of data associated with the first transfer operation has not reached the maximum transfer size, associating a portion of the data otherwise to be associated with a subsequent transfer operation for the RDMA request with the first transfer operation instead of with the subsequent transfer operation, the portion of the data being located in one or more portions of one or more other memory buffers in the local system, the subsequent transfer operation being over the data network to the remote memory buffer in the remote system, the local system and the remote system being physically separate from each other; and

if the amount of data located in the first memory buffer exceeds the maximum transfer size:

associating a portion of the data with the first transfer operation; and

associating one or more subsequent portions of the data with one or more subsequent transfer operations.

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095

817 281 7131

From:	Christopher Gagne [gagnelaw@att.net]
Sent:	Tuesday, June 02, 2009 4:09 PM
To:	'Nguyen, Tammy T. (AU 2144)'
Subject:	RE: Proposed claim amendment, Serial No.

09/576,038; P8193

Thanks!

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient
(s) and may contain confidential and/or attorney-client privileged information. Any unauthorized review, use,
disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately by
reply e-mail and destroy all copies of the original message.

From: Nguyen, Tammy T. (AU 2144) [mailto:Tammy.Nguyen58@USPTO.GOV]
Sent: Tuesday, June 02, 2009 4:08 PM
To: Christopher Gagne
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

it's o.k now. thanks a alot.
I will present this amendment to my supervisor tomorrow and will let you know whether it is o.k to allow or there's any changes to
be able to let this case for allowance.
 Regards,
Tammy nguyen

From: Christopher Gagne [mailto:gagnelaw@att.net]
Sent: Tuesday, June 02, 2009 5:03 PM
To: Nguyen, Tammy T. (AU 2144)
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

Thanks, Examiner Nguyen.

I would propose the following minor changes to the preamble language in that you propose for
claim 48:

"Computer-readable storage medium <u>including</u> ~~includes~~ program ~~codes~~/instructions <u>to be</u> executed by a computer processor for performing the ~~steps~~ following:"

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient
(s) and may contain confidential and/or attorney-client privileged information. Any unauthorized review, use,
disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately by
reply e-mail and destroy all copies of the original message.

From: Nguyen, Tammy T. (AU 2144) [mailto:Tammy.Nguyen58@USPTO.GOV]
Sent: Tuesday, June 02, 2009 3:53 PM
To: Christopher Gagne
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

Mr Gagne,
i do some changes in the preamble of claim 48 to let this claim overcome 101 issue, Please let me know if it is o.k with you and
your client..
Thanks alot.
Regards,
Tammy Nguyen

From: Christopher Gagne [mailto:gagnelaw@att.net]
Sent: Tuesday, June 02, 2009 4:36 PM
To: Nguyen, Tammy T. (AU 2144)
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193
Importance: High

Dear Examiner Nguyen:

As per your request, please confirm acceptability (please note that claim 53 would be
cancelled):

48.   (Currently amended) ~~Computer-readable storage medium includes program codes/ instructions executed by a computer processor for performing the steps following~~[[memory having instructions ~~An article comprising a machine-readable medium having machine-accessible instructions~~, the instructions when executed by a machine result in operations comprising ~~the following~~]] :

if an amount of data located in a first memory buffer in a local computer system associated with a remote direct memory access (RDMA) request does not exceed a maximum transfer size for a single memory to memory transfer operation over a data network to a remote memory buffer in a remote computer system:

associating the data with a first transfer operation over the data network to the remote memory buffer in the remote system; ~~and~~

if the amount of data associated with the first transfer operation has not reached the maximum transfer size, associating a portion of the data otherwise to be associated with a subsequent transfer operation for the RDMA request with the first transfer operation instead of with the subsequent transfer operation, the portion of the data being located in one or more portions of one or more other memory buffers in the local system, the subsequent transfer operation being over the data network to the remote memory buffer in the remote system; and

if the amount of data located in the first memory buffer exceeds the maximum transfer size:

associating a portion of the data with the first transfer operation; and

associating one or more subsequent portions of data located in the first memory buffer with a corresponding number of one or more subsequent transfer operations.

Thanks.

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

From: Nguyen, Tammy T. (AU 2144) [mailto:Tammy.Nguyen58@USPTO.GOV]
Sent: Tuesday, June 02, 2009 3:20 PM
To: Christopher Gagne
Subject: RE: Proposed claim amendment, Serial No. 09/576,038; P8193

Mr Gagne,
I would like to see an amendment for claim 48 too..
Thanks alot.

Regards,
TammyNguyen

From: Christopher Gagne [mailto:gagnelaw@att.net]
Sent: Tuesday, June 02, 2009 4:05 PM
To: Nguyen, Tammy T. (AU 2144)
Subject: Proposed claim amendment, Serial No. 09/576,038; P8193
Importance: High

As per our discussion, please confirm acceptability at your earliest convenience. Thanks much

32.   (Currently amended) A method comprising:

if an amount of data located in a first memory buffer in a local <u>computer</u> system associated with a remote direct memory access (RDMA) request does not exceed a maximum transfer size for a single memory to memory transfer operation over a data network to a remote memory buffer in a remote <u>computer</u> system:

associating the data with a first transfer operation over the data network to the remote memory buffer in the remote system; ~~and~~

if the amount of data associated with the first transfer operation has not reached the maximum transfer size, associating a portion of the data otherwise to be associated with a subsequent transfer operation for the RDMA request with the first transfer operation instead of with the subsequent transfer operation, the portion of the data being located in one or more portions of one or more other memory buffers in the local system, the subsequent transfer operation being over the data network to the remote memory buffer in

the remote system; and

if the amount of data located in the first memory buffer exceeds the maximum transfer size:

associating a portion of the data with the first transfer operation; and

associating one or more subsequent portions of the data with one or more subsequent transfer operations.

Chris

Christopher K. Gagne, Esq.
The Law Offices of Christopher K. Gagne
Post Office Box 210217
Bedford, Texas 76095
817 281 7131

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and/or attorney-client privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately by reply e-mail and destroy all copies of the original message.